THE LATEST RAILROAD BILL.

Meiklejohn and Agee Concoct a Measure to Succeed the Present Law.

A VERY VOLUMINOUS DOCUMENT

The Bad Features of the Commission Embodied in the Scheme, With Many New Points Added to the List.

The Railroad Committee's Bill.

LINCOLN, Neb., Feb. 13,- |Special to the BEE. | - The following is the full text of the bill presented by the railroad committee to the house yesterday. It carries the name of Mr. Agee as its author, but is the result of a combination between his bill and that introduced by Senator Meiklejohn. The committee have worked nearly constantly on the production of this bill for three days. It is

expected it will be considered in committee of the whole on Monday or Tuesday:

of the whole on Monday or Tuesday:
Be it enacted by the legislature of the state of Nebraska:
Section 1. The attorney general, secretary of state, and auditor of public accounts, state treasurer, and commissioner of public lands and buildings shall constitute a board of ratiroad commissioners, who shall have power to appoint three secretaries to assist the board in the performance of their duties as such commissioners. The secretaries shall be paid an annual salary of \$2,000, payable in equal quarterly installments. Said board shall also have the power to appoint a clerk who shall be a competent stenographic reporter and who shall receive an annual salary of \$1,500, payable in equal quarterly installments. Said secretaries and said clerk shall each give a bond to the state of Nebraska, in the sum of \$1,000, with one or more sufficient sureties to be approved by the governor, for the faithful performance of his duties; and shall also take and subscribe an oath, that he is not in the employ of, nor an oath, that he is not in the employ of, nor holding any official relation to any railroad corporation, and that he is not the owner of any stock or bonds of, or in any manner pecuniarity interested in any railroad corporation, and that he will faithfully and impartially, without fear or favor, discharge the ducies of his office to the best of his ability.

Sec. 2. No officer, agent or employe of any railroad corporation or express company nor

railroad corporation or express company, nor any person holding any stock or bonds of, or in any manner pecuniarily interested in any railroad corporation or express company shall be appointed or employed as secretary

shall be appointed or employed as secretary or clerk by said board.

See, 3. Said board shall have the general supervision of all railroads operated by steam in the state, and shall inquire into any neglect of duty or violation of any of the laws of this state, by any railroad corporation doing business in this state; or by any officer, agent or employe of any railroad corporation doing business in this state; and shall from time to time, carefully examine and inspect the condition of each railroad in this state, and its equipments, and manner of the conduct and management of the same, with reference to the public safety, interest or the conduct and management of the same, with reference to the public safety, interest and conveniences. It shall carefully investigate any complaint made in writing, and under oath, concerning any lack of facilities or accommodations furnished by any railroad corporations doing business in this state, for the comfort, convenience and accommodations of individuals and the public; or any united discrimination against either any pertions of individuals and the public; or any unjust discrimination against either any person, firm or corporation, or locality, either in rates, facilities furnished or otherwise; and whenever in the judgment of said board any repairs are necessary upon any portion of the road, or upon any stations, depots, station houses or warehouses, or upon any of the rolling stock of any railroad doing business in this state, or any additions to, or any changes in its rolling stock, stations, depots, stationhouses or warehouses are necessary in order to secure the safety, counfort, accomorder to secure the safety, comfort, accommodation and convenience of the public and individuals, or any change, in the mode of conducting its business or operating its road is reasonable and expedient in order to pro-mote the security and accommodation of the public or in order to prevent unjust dis-eriminations against either persons or places; it shall make a finding of the facts, and an order requiring said relirond corporation to make such repairs, improvements or additions to its rolling stock, road, stations, depots or warehouses, or to make such changes either in the manner of conducting its business or in the manner of conducting its business or in the manner of operating its road, as such board shall deem proper, reasonable and ex-pedient; and said finding shall be entered in a record kept for that purpose, and said board shall cause a copy of the same to be served on the said railroad corporation, by any sheriff or constable in this state, in the same manner as a summons is required to be served, and shall also transmit to the person, firm or corporation interested, a copy of the

Said railroad corporation shall, within ten days after being served with a copy of said findings and order, show cause, if any it has, why it should not comply with said order, by filing with said board an answer verified if the same manner as pleadings of fact in the district court are required to be verified. If no answer shall be filed as aforesaid, then such finding and order shall be final and con-

clusive as against such railroad corporation.

Upon the filing of any answer as provided for in this section, the said board shall set a day not exceeding thirty days from the date of the filing of such answer for the hearing of the matter, and shall notify said railroad conpany and other person or persons or corpora-tions interested, of the time so fixed, and the place of hearing the same; and shall care-fully and fully investigate the matter, and for that purpose may subpona witnesses, and compel their attendance, and the production of any books or papers in the same manner as the courts of law of this state may do. After a full investigation of the matter said board shall again make a finding of the facts and make such an order as it may deem just

in the premises.

If said railroad shall refuse or neglect to If said railroad shall refuse or neglect to comply with such order, the board shall order the attorney general or the county attorney of the proper county to institute a suit to compel such railroad company to comply with such order, and it shall be the duty of the attorney general or the county attorney of the proper county, at the request of the board, to apply to the supreme court or to the district court of any county through or into which its line of road may run, in the name of the state and on the relation of said board, for a writ of mandamus to compel such railfor a writ of mandamus to compel such rail-road company to comply with such order; and upon the hearing of any such cause, such finding and order shall be as against such railroad company prima facia evidence of the reasonableness of such order, and of the ne-cessity of such repairs, changes, additions or

repaired to be done or omitted.

Sec. 4. If any railroad corporation or express company organized or doing business in this state under any act of incorporation or general law of this state now in force or that may hereafter be passed, or if any railroad corporation or express company organized. that may hereafter be passed, or it any rain-road corporation or express company organ-ized or which may hereafter be organized under the laws of any other state or of the United States and doing business within this state shall charge, demand or receive more than a fair and reasonable rate of toil or compensation for the transportation of any passengers, express or freight of any descriprailroad car upon the track of any such road or any of the branches thereof, or upon any railroad in the state which it has the right, license or permission to operate, the same shall be deemed guilty of extortion, and upon conviction thereof shall be dealt with as here-inafter provided.

Sec. 5. If any such railroad corporation or express company aforesaid shall make any unjust discrimination in its rates or charges of toll or commensation for the transporta-tion of any freight or express of any descrip-tion, or for the use and transportation of any railroad car upon its said road or upon any of the branches thereof, or upon any railroad connected therewith which it has the right, license or permission to operate, control or use within this state, or shall make any unjust discrimination against any person, firm, corporation or locality, as to accommoda-tions or facilities furnished for the ship tions or facilities furnished for the ship-ment of any freight or express of any de-scription, over its said road or over any road which it has the right, license or permission o use or control, the same shall be deemed fullty of having violated the provisions of his act, and upon conviction thereof shall be leaft with as hereinafter provided.

express company shall charge, demand, col-lect or receive, for the transportation of any freight or express of any description, upon its railroad, or any of the branches thereof or express company shall charge, demand, collect or receive, for the transportation of any freight or express of any description, upon its railroad, or any of the branches thereof or upon any railroad which it has the right, license or permission to use or control, for any distance within this state, the same or a greater amount of toll or compensation than is at the time charged, collected or received for the transportation in the same direction of any like quantity of freight of the same class over a greater distance of the same railroad; or lifany railroad company shall charge, demand, collect or receive at any point upon its railroad, or any railroad which it has the right, license or permission to use or control, a higher rate of toll or compensation for handling or delivering freight of the same class and quantity, than it shall at the same time charge, demand, collect or receive at other points upon the same railroad, or upon any railroad which it has the right, license or permission to use or control in this state; or, if it shall charge, collect, demand or receive for the transportation of any freight of any description over its railroad, or over any railroad which it has the right, license or permission to use or control, a greater amount of toll or compensation than shall at the same time be charged, demanded, collected or received by it for the transportation of any itself of any description of the same railroad of equal distance; or, if it shall demand, charge, collect or receive from any person or persons, or corporation, a higher or greater amount of toll or compensation than it shall at the same time charge, collect or receive from any person, or persons, or corporation, a higher or greater amount of toil or compensation for receiving, handling, or delivering freight of the same class, and the right, license or permission to use or control; or, if it shall demand, charge, collect or receive from any person, or persons, or corporation, for the transportation of any railroad car, or cars, upon its ra

ecived from any other person, or persons, or corporation, for the use and transportation of any railroad car of the same class or number, for a like purpose, being transported in the same direction over a greater distance of the same railroad, or of any railroad which it has the right, license or permission to use or control; or, if it shall demand, charge, collect or receive, from any person, or persons, for the use and transportation of any railroad car, or cars, upon its railroad, or upon any railroad which it has the right, license, or permission to use and control; a higher or greater rate of toll, or compensation, than it shall at the same time charge, collect and receive from any other person, or persons, or corporation, for the use and transportation of any railroad car, or cars, of the same class or number, for a like purpose, being transported from the same point in the same direction, over an equal distant of its railroad, or any railroad which it has the right, license, or permission to use or control, all such discriminating rates, charges, collections or receipts, whether made directly, or by means of a rebate, drawback, or other shift or evasion, and all discrimination of any freight over such road, or roads, shall be deemed and taken, ngalnst such railroad corporation, as prima facie evidence of the unjust discrimination, prohibited by the provision of the act; and it shall not be deemed a sufficient excuse or justification, of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of such freight, or for the use and transportation of freight, or for the use and transportation of such railroad car, the greater distance than for the shorter distance, is a railway station or point where their exists competition with any other railroad, except in cases where the board of transportation have by special rule permitted such discrimination at such station or point. This section shall not be construed so as to exclude other evidence tending to show any unjust discrimination by any railbusiness in this state; provided, however, that nothing herein contained shall prevent any railroad corporation from issuing commu-tation, excursion, or thousand mile tickets, or from transporting any freight for charitable purposes, or to or from any agricultural fair, or the transportation of any tents or camp equipage for use at any soldier's reun-ion in this state at reduced rates.

Sec. 7. Any such railroad corporation or expresss company guilty of extertion, or of making any unjust discrimination as to freight or express rates, or rates for the use and transportation of any railroad, car or ears, or in receiving, handling or delivering freights, shall upon conviction thereof, for each and every offence, forfeit and pay a fine ofnot less than \$100, nor more than \$5,000, In all cases under the provisions of this act, either party shall have the right of trial by

jury. Sec. 8. The fines and penalties herein provided for may be recovered in an action of debt in the name of the state of Nebraska, and there may be several counts joined in the same complaint or petition as to extortion and unjust discrimination, and as to freight and express rates and rates for the use and transportation of ears and for receiving, handling or delivering freights, and for any discrimination against either persons or cor-porations or localities, as to facilities fur-nished for the transportation of freight over such road or roads. In cases under the pro visions of this act a preponderance of the evidence shall be sufficient to authorize a verdict and judgment in favor of the state. Sec. 9. If any such railroad corporation or express company shall in violation of any of the provisions of this act, ask, demand, charge or receive, of any person or persons, or corporation, any extertionate charge or charges, for the transportation of any pascharges, for the transportation of any pas-sengers, goods, merchandise or property, or for receiving, handling or delivering freights, or shall make any unjust discrimination against any person or persons, corporation or locality in its charges therefor, or in ac-commmodations or facilities furnished the person or persons offended against, may, for each offense, recover of such railroad corpora-tion or express company in any form of ac-tion, all the damages sustained by such per-son or persons or corporation together with costs of suit and a reasonable attorney fee to be fixed by the court where the same is

to be fixed by the court where the same is heard, on appeal or otherwise and taxed as part of the costs of the case.

Sec. 10. It shall be the duy of said board of transportation to investigate all complaints and to ascertain whether the provisions of this act are violated by any railroad corporation or express commany dorailroad corporation or express company do-ing business in this state, and whenever the facts in any manner ascertained by said board shall, in its judgment, warrant such prosecution, it shall be the duty of said board to immediately cause suits to be commenced and prosecuted against any railroad corpora-tion or express company which may volute and prosecuted against any railroad corpora-tion or express company which may violate any of the provisions of this act. Such suits and prosecutions may be instituted in any county in this state, where such express com-pany is doing business, or through or into which any line of railroad operated by the detendant corporation may extend. And such board is hereby authorized, when in their judgment the facts of the case will war-rant the commencement of such action, to employ counsel to assist the attorney general or county attorney, as the case may be, in or county attorney, as the case may be, in conducting such suit on behalf of the state. No such suit commenced by order of said board shall be dismissed without their con-

sent.

Sec. 11. The board of transportation is hereby directed to make for each railroad corporation doing business in this state, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of passengers and freights and cars on each of said railroads; which said rates shall not exceed the distance rate table of the Burlington & Missouri River railroad in Nebraska, which took effect June 1, 1881, and which was hied in the office of the board of railroad commissioners of Nebraska on July 9, 1885, reduced by decreasing the rates for the various classes of freight therein contained for five miles % of 1 per cent and for each additional Sec. 6. If any such railroad corporation or

five miles an additional ¼ of 1 per cent until the distance of 200 miles is reached, and for each ten miles from said 200 miles an additional ¼ of 1 per cent. And said schedule, when prepared by said board, or certified copies of the same shall in all suits brought against said railroad corporation, wherein is in any way involved, the charges of any such railroad corporation for the transportation of any passenger or freight or cars, or any unjust discrimination in relation thereto, be deemed and taken as prima facle evidence that the rates therein fixed are reasonable maximum rates of charges for the transportation of passengers and freights and cars over the railroads for which said schedules may have been respectively prepared. For the purpose of aiding said board in the preparation of such schedules, each railroad corporation doing business in this state shall, within twenty days after this zet shall take effect, file with said board copies of all its tariff of rates, fares and charges relating to all classes of traffic affected by the provisions of this act, including classifications, in force January I, 1887. Such copies shall be verified by the oath of such officer or officers of the corporation filing the same as may be designated by said board. Said board shall from time to time, and as often as circumstances may require, change and revise such schedules. When any such schedules may have been adopted, changed or revised, as aforesaid, it shall be the duty of said board to furnish a copy thereof to all the railroads doing business in this state affected thereby; and every such railroad corporation shall within ten days after receiving a copy of such schedule cause plainly printed copies of the same to days after receiving a copy of such schedule cause plainly printed copies of the same to be posted up and kept posted up in at least two conspicuous places in each of its freight

two conspicuous places in each of its freight and passenger depots in this state.

Sec. 12. In all cases under the provisions of this act the rules of evidence shall be the same as in other civil actions except as herein provided. All fines recovered under the provisions of this act shall be paid into the school fund of the county where the cause of action accrued. The remedies hereby given shall be regarded as cumulative to the remedies now given by law against railroad corporations, and this act shall not be construed as repealing any statute giving such remedians repealing any statute giving such remeas repealing any statute giving such remedies. Suits commenced under the provisions of this act shall have precedence over all other business except criminal business.

Sec. 13. The secretaries appointed by said board shall not engage in any other business, but shall devote their time to the duties of their office; and said board and its secre-taries shall by the most thorough investiga-tion and closest application inform themselves respecting the general business of rail-roading, the cost of construction of railroads, the present value thereof, the cost of operatthe present value thereof, the cost of operating them and all the minutiae of the profits
and losses of the business; and
every railroad company incorporated
or doing business in this state, or which
shall hereafter become incorporated or do
business under any general or special law of
this state, shall on or before the first day of
Sentember, in the year of our Lord, one

business under any general or special law of this state, shall on or before the first day of September, in the year of our Lord, one thousand eight hundred and eighty-seven, and on or before the same day in each year thereafter, make and transmit to the board created by virtue of this act at their office in Lincoln, a full and true statement under oath of the proper officer of said corporation. Of the affairs of their said corporation, as the same existed on the first of the preceding July, specifying: 1. The amount of capital stock subscribed. 2. The amount of sock paid in. 3. The amount of assets and hisbilities. 4. The name and place of residence of its officers. 5. The amount of funded debt. 6. The amount of floating debt. 7. The estimated value of each road bed, including iron and bridges. 8. The estimated value of rolling stock. 9. The estimated value of stations, buildings and fixtures, 10. The estimated value of other property. 11. The length of single main tracks. 12. The length of branches, stating twhether they have single or double tracks. 14. The aggregate length of sidings and other tracks not above enumerated. 15. The number of miles run by passenger trains during the year preceding the making of the report, 16. The number of miles run by freight trains during the same period. 17. The number of tons of through freight carried during the same time. 19. The monthly earnings for the transportation of passengers during the same time. 20. Its monthly earnings for the transportation of freight during the same time. 20. Its monthly earnings for the transportation of freight during the same time. 21. Its monthly earnings for the transportation of freight during the same time. 21. Its monthly earnings for the transportation of freight during the same time. 21. Its monthly earnings for the transportation of freight during the same time. 21. Its monthly earnings for the transportation of freight during the same time. 21. Its monthly earnings for the transportation of freight during the same time. earnings for the transportation of freight during the same time. 21. Its monthly earn-ings from all other sources during the same time. 22. The expenses incurred in the running and management of passenger trains during the same time. 23. The amount of expense incurred in the running and manexpense incurred in the running and maintagement of freight trains during the same time, also the expense incurred in the running and management of mixed trains during the same time. 24. Expenses incurred in the running and management of the road during the same time, 25. The amount expended for repairs of road and maintenance of way including repairs and renewal expended for repairs of road and mainten-ance of way, including repairs and renewal of bridges and renewal of iron, 26. The amount expended for improvements, 27. The amount expended for notive power and cars, 28. The amount expended for station houses, buildings and fixtures, 29. All other expenditures for management of road, mainexpenditures for management of road, maintenance of way, motive powers and cars. 30. The rate of fare for passengers in this state for each month. 31. A copy of each published rate of fare for passengers and tariff of freight in force or issued for the government of its agents during the same time. 32. What express companies run on its roads, the kind of business done by them, and whether they take their freight at the depots or at the offices of such express companies. 33. What freight and transportation companies run on its road. 34. Whether such freight and transportation companies of the railroad or the cars furnished by the mselves. 35. Whether the freight or cars of such companies are given any preference

Section 14. Said board shall, on or before Section 14. Said board shall, on or before the first Monday of December of each year, make a report to the governor of its doings for the preceding fiscal year ending June 30, containing such facts statements and explanations as will disclose the actual working of the system of railroad transportation in this state and its relation to the general business of the citizens of the state and such suggestions and recommendations in respect thereto as may to them seem appropriate. Said report relation to the general business of the citizens of the state and such suggestions and recommendations in respect thereto as may to them seem appropriate. Said report shall also contain as to every railroad corporation doing business in this state: 1. The amount of preferred stock, if any, and the conditions of its preferment. 3. The amount of preferred stock, if any, and the conditions of its preferment. 3. The amount of stock paid in. 4. The amount of its floating debt. 5. The amount of its floating debt. 5. The amount of its funded debt and the rate of interest. 6. The cost and present cash value of its road and equipment, including permanent way, buildings, round houses, machines and repair shops, rolling stock, all real estate used exclusively in operating the road and all fixtures and conveniences for transacting its business, 7. The estimated value of all other property owned by such corporation with a schedule of the same, not including lands granted in aid of its construction. 8. The length of double main track. 10. The number of acres originally granted in aid of construction of its road by the United States or this state. 11. The number of acres of such land remaining unsold. 12. Its monthly gross earnings for transportation of freight originating in or consigned to Nebraska for the same time. 13. Its monthly gross earnings from all other sources in the state. 15. Amount of expense incurred in running and management of freight trains during the same time. 17. All other expense in running and management of mixed trains during the same time. 18. The amount expense incurred in running and management of freight trains during the same time. 17. All other expense in running and management of mixed trains during the same time. 18. The amount expended for motive power, car, station house and fixtures. 19. Such other statistics of the road and of its transportation business for the year as may, in the judgment of the long management of the legislature. ness for the road and of its transportation busi-ness for the year as may, in the judgment of the commissioners, be necessary and proper for the information of the legislature, or as may be required by the governor. Such re-port shall exhibit and refer to the condition of such corporation on the first day of July

the said board, the report required by sec-tion 13 of this act to be made, such railroad corporation shall for each day it so neglects or refuses to file such schedule with,

in each year, and the details of its transpor-

in each year, and the details of its transportation business transacted during the year ending June 30. Said board shall cause 1,000 copies of said report to be printed and put up in pamphilet form for the use of state officers and members of the legislature.

See, 15. Said board of transportation shall have power in the discharge of its duties to examine the books, papers, documents and tariff schedules of any such railroad corporation and to examine under oath any officer, director, agent employe of such corporation; it is empowered to issue subpomas, compet the attendance of witnesses and the production of any book, paper or any document, and to enforce obedience to any such subpema, the same as the courts of law of this state; and any member of said board and any of said willfully obstruct said board or any member of remploye thereof in the performance of its or his duty, or who shall refuse to give any information within his possession that may be required by said board or a member or employe thereof, in the discharge of its or his duty, shall be deemed guilty of misdemeanor and upon conviction thereof shall forfeit and pay a fine not exceeding \$1,000. The costs of subpomas, fees of witnesses and expense of investigation shall in the first instance be paid by the state.

See, 16. It shall be unlawful for any common carrier or carriers, for the pooling of any freight of different and competing common carriers, or to divide between them the aggregate compensation for any shipment or the net proceeds of the earnings of such common carriers or any portion thereof; and in any

gate compensation for any supment of the net proceeds of the earnings of such common carriers or any portion thereof; and in any case of an agreement for the pooling of freight, each day of the continuance of such pool shall be deemed and taken as a separate offense. Any railroad corporation violating the provisions of this section shall for each offense, pay a populity of not less than \$100. offense pay a penalty of not less than \$100 nor more than \$1,000. Sec. 17. It shall be the duty of the attorney

general or any county attorney or the proper county, at the request of said board, to insti-tute and prosecute any and all suits and pro-ceed large for the violation of any of the provi-sions of this act or any law of the state con-cerning railroads, railroad corporations or express companies.

express companies.

Sec. 18. Any officer, azent or employe of any frailroad corporation or express company doing business in this state, who shall violate any of the provisions of this act, or who shall knowingly or intentionally, counsel, ald or advise, the violation, either directly or by shift or evasion, any of either directly or by shift or evasion, any of the provisions of this act or of any law for the government of railroads or express com-panies in this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every offense, be fined not less than \$100 nor more than \$1,000; and may in the discretion of the court be imprisoned

in the discretion of the court be imprisoned in the jall of the county not exceeding ninety days.

Sec. 19. Copies of any findings, orders, schedule or proceeding duly certified to by the clerk of said board, shall be received in evidence the same as the original.

Sec. 20. Upon the occurrence of any accident upon any railroad which shall result in bodily harm or loss of life either to passenger, employe, or other person, the corporation operating the road upon which the accident occurred, shall give immediate notice thereof to the railroad commissioners, whose duty it shall be to investigate the same and give immediate notice to the governor of the extent of the injury or loss of life, and whether the same was the result of mismanagement or neglect of the corporation that agement or neglect of the corporation that operated the line on which the injury or loss of life occurred.

Sec. 21. In the construction of this act the

sec. 21. In the construction of this act the word "railroad" shall be construed to include all railroads and railways operated by steam, and whether operated by the corporations owning them or other corporations or otherwise. The phrase "railroad corporations and railroad companies" shall be construed to mean the corporation or operates a railroad operated by steam power. rated by steam power.

Sec. 22. A majority of sald board shall constitute a quorum for the transaction of busi-

ness.

Sec. 23. Nothing in this act shall be construed to stop or hinder persons or corporstrued to stop or hinder persons or corporstrued to stop or hinder persons are railations from bringing suit against any railroad or express company for the violation of any of the laws of this state for the government of railroads or express companies.

Sec. 24. To carry out the provisions of this act without undue burden to the state officers who compose the board of transportation, their secretaries are hereby empowered in all matters of examinations or investigations, to perform the duties prescribed for the board: Provided, That rendering judgments or the fixing or changing of rates shall only be done

by the board.

Sec. 25. That an act entitled "An act to provide a board of railroad commissioners, define their duties and provide for their salaries," approved March 5, 1885, and also an act entitled "An act to fix a maximum standard of freight charges on value was an act. ard of freight charges on railious and to prevent unjust discriminations therein or secret rates, rebates or drawbacks therefor," approved February 28, 1881, be, and the same are hereby repealed.
Sec. 26. Whereas, an emergency exists, therefore, this act shall take effect and be in

force from the time of its passage and ap-

Grain Elevator Dostroved. ARAPAHOE, Neb., Feb. 13 .- [Special Tele gram to the BEE. j-This morning about 2 o'clock, the elevator of E. Augush, located near the B. & M. railroad track, took fire, and before anything could be done it was totally destroyed. There were about 100 of such companies are given any preference in speed or order of transportation, and if so in what particular. If any railroad doing business in this state shall neglect to file with the board the schedules required to be filed by section 11 of this act, or shall neglect or refuse to make and transmit to the said board the report required by secbushels of oats and about 400 bushels of wheat in the bins at the time of the fire and it will prove a total loss, as well as the build-ing and machinery. The building and ma-chinery were valued at about \$2,000. The in-surance is about \$2,700. This will again stir up the people for are protection as this is the third are since May last, and when a are is once started it destroys everything as not even enough buckets can be found to form a bucket brigade. or make and transmit such report to said board of transportation, forfelt and pay a fine of not less than \$100 nor more than

Knocked Out in Two Rounds. Chadron, Neb., Feb. 13,-|Special Tele gram to the BEE. |-At Douglas, Wyo., Saturday evening, at a prize fight between John Redmond and Robert Peters, Redmond knocked Peters out in two rounds. They fought with soft gloves, for \$50 and gate money to winner. Redmond is said to be the best man in Wyoming. There was a large attendance.

Chadron's Coal Find. CHADRON, Neb., Feb. 13 .- [Special Telegram to the BEE. |-Further developments in the Chadron coal find show still better indications. Work was suspended last night at 12 o'clock, and will be resumed early to-morrow morning, when still further develop-ments are expected. When the drill stopped the pump was bringing up small pieces of bituminous coal of a fine quality.

Work of Temperance Women. CLEARWATER, Neb., Feb. 13 .- [Special to the BEE. |-Mrs. Woodard, state treasurer of the Woman's Christian Temperance union, delivered a lecture at this place to a large audience, and organized a local society, with Mrs. Sue Kilbourn as president.

NEW YORK, Feb. 13.—Special Telegram to the Bee.;—Hon. Smith M. Weed, who has just returned from Washington, where he has been visiting the president, said to a reporter regarding the rumor that he (Weed), was to have Manning's place in the cabinet "I can assure you, since you ask me, that I will not succeed Mr. Manning; that I can with certainty say that I have not the slightest information whom the president in tends to select." "Do you think the president will be a candidate again in 1888?"
"No, I do not think he will. I believe he will adhere to his letter of acceptance and refuse to be a candidate for a second term. I am of the opinion that he will write a letter to that effect to give the public a clear understanding on the subject. When he will write this letter I have no idea. but I think if he does it at all it will be in ample time to have no misunderstanding about his candidacy. If he declines to be a candidate, then I think New York's choice will fall upon Governor Hill."

POWERFUL LOBBIES AT WORK

Rings Formed to Secure the Money Appropriated For Coast Defenses.

A WARNING NOTE SOUNDED.

The President Sorely Perplexed in the Make-Up of the Inter-State Commerce Commission-National News.

Coast Defenses All-Absorbing. Washington, Feb. 13, - (Special Telegram to the BEE. -More is said here to-night about coast defenses, rebuilding the navy and general preparations for war than anything else. There is a feeling that congress duting the next ten days, will make large appropriations for these purposes. It has been discovered that, anticipating these appropriations, rings have been organized to work off on the government various patents for guns, etc., and the local press to-day warns congress against them. It is said a powerful and corrupt lobby is bringing all its influence to bear upon the committee on appropriations to stifle measures which "do not favor themr that there is a movement on foot, with powerful support in the house, to ignore every recommendation of the executive department of the government relative to this matter, and to pass a bill devised and developed mainly with the object of benefiting two or three alleged "inventions" and a few iron establishments. The bills which have passed the senate represent the declared policy of the government to fortify our coasts and domesticate in this country the manufacture of the best heavy ordnance which can be made. They represent years of careful study and experiment and of faithful efforts to serve public interests by honest and able experts whom the government employs to deal with ordnance questions. In the development of their plans they have been velopment of their plans they have been compelled by common sense and the experience of the whole world to abandon the idea of making guns of iron and to insist that they shall be made of steel. They have also been compelled by their sense of duty to reject the schemes of all quacks and crazy heads who have set up as gun inventors. These men, no matter how dishonest or unworthy, are encouraged to continue their efforts to rob the government when they find their complaints well received at the capital worthy, are encouraged to continue their efforts to rob the government when they find their complaints well received at the capital and even find influential members willing to undertake to legislate in their behalf. The gun thieves and iron interests working in conjunction with politicians who are dissatisned with the administration of the war department are now engaged in an effort to substitute a small half way measure in which private interests shall have first place and public interests are almost ignored. They would if they could take it out of the control of the president himself, but they do not see their way clear to accomplish that. They want to set up some kind of a nondescript board which will proceed on a hand-to-mouth policy and give all the "cranks" and "frauds" a good pull at the treasury. They want to go on in the same feeble way we have been going on since the war, appropriating a little money every year and avoiding any large and generous expenditure adequate to the country's needs. They want to substitute their own interests for those of the people, and to live like princes while going on with their bogus experiments.

princes while going on with their bogus experiments.

THE PRESIDENT PERPLEXED.

It is not known positively that the president has selected one of the five inter-state commerce commissioners, although it is believed he knows them all. The refusal of exsenator Thurman, of Ohio, to accept one of the positions was a setback in the selection of the board. It is authoritatively announced that the nominations will be made before the adjournment of congress. If the president he adjournment of congress. If the dent shall adhere to this determination his action will bar out Colonel Morrison, of Illi-nois, Senator Van Wyck and other gentle-men now serving in the Forty-ninth con-gress. It is probable that several if not all the members of the commission would have been selected last week but for the unusual ocen selected last week but for the unusual quantity of work the president has crowded in upon him. The president is desirous that two of the commissioners shall be practical railroad men, that two shall be irist class business men, and the fifth shall be a lawyer of ability. To find three democrats and two republicans in different varts of the country who will meet the ferent parts of the country who will meet the requirements of the place is no easy matter. He is of course deluged with suggestions and applications for a commissionership, but the class of men who apply are hardly desirable timber of which to construct the board. Since the report gained currency that Sena-tor Cullom would have the naming of one of tor Cullom would have the naming of one of the commissioners, that gentleman, like the president, has been badgered to death by peo-ple who regard the salary of \$7,500 a tar equivalent for their services. The senator says he has no intention of recommending anybody for the place. He has not been asked to do so and would not if he were. Representative Reagan, of Texas, has, how-ever, recommended ex-Governor Ireland, of the Lone Star state, and he will probably be appointed.

CLEARINGS RECORD.

Omaha Thirteenth on the List With 88 Per Cent Increase. Boston, Feb. 13.- [Special Telegram to the BEE.]-The following table, compiled from reports received from the managers of leadring houses of the United States, gives the gross exchanges at each point for the week ending February 12, 1887, as compared with those of the corresponding week in 1886, as

CLEARINGS.

follows:

CITIES.

	1	Inc	De
New York 8	665,0+0,646	****	6.9
Boston	70,981,717	7177	0.7
Philadelphia	53,737,799	10.4	****
*Chicago	50,000,000	19.0	
St. Louis	16,706,095	18.0	
Cincinnati	10,737,850	0.2	
Baltimore	10,676,895	****	14.4
San Francisco	10,529,729	****	2,4
New Orleans	19,104,705	2.1	
Pittsburg	9,387,402	27.7	
*Kansas City	6,900,000	58.0	
Louisville	5,789,399	29.8	****
Omaha	4,594,871	88.0	
Milwaukee	4,481,000	85.7	
Providence	4,413,300	3.4	
Denver	8,492,343		
Cleveland	3,609,578	68.1	
Detroit	3,396,007	11.4	****
St. Paul	3,214,676	87.6	
Indianapolis	3,010,530	158.5	
Minneapolis	2,846,606	17.2	
Memphis	2,408,874	25.9	
Columbus	1,636,385	2.9	
Hartford	1,593,093	200	9.1
New Haven	1,239,967	31.8	
Galveston	1,151,484	24.5	
Norfolk	915,610	4444	3.7
Peoria	909,264	26.9	
St. Joseph	891,875		1.0
Worcester	884,065	13.4	
Portland	635,000	9.1	
Springfield	814,018	8.7	
Lowell	502,454		
Syraeuse	454,034	****	8.5
Grand Rapids	404,3334	****	0,3
†Wichita	1,417,558	****	12. 5427.25
Total	973,830,666	10.9	1.8
Outside New York	308,750,019		

*Not included in totals; no clearing house at this time last year. fl'artly approximated

An Italian Stabs a Companion. CHICAGO, Feb. 13 .- During a quarrel over cards this afternoon in a Clark street saloon cards this afternoon in a Clark street saloon
Daniel Florio, lately from Genoa, slashed
Felice Raymondi across the hands with a
razor. An instant later Raymondi's companion, Francesco Trimaric, plunged a stilleto into the heart of Florio. He sank to the
floor dead while the other two hastily made
their escape. The trio had been carousing
together since early morning.

THE CONSPIRACY CASES

Difficulties Which Dillon and O'Brien Have to Contend Against.

[Coppright 1887 by James Gordon Bennett,]
DUBLIN, Feb. 13.—|New York Herald Cable—Special to the Bre. |—The conspiracy trials in which Messrs. Dillon and O'Brien are the defendants begin to-morrow. Mr. Samuel Walker, D. C., who was the Irish at torney general under Gladstone, defends, In conversation with him 1 learned that in stead of the usual number of eighty jurymen summoned on a panel there are on this occasion 250 and the venue is laid in Dublin county, it having been removed from Dublin city. The accused have only seven challenges, while the government, by making jurors stand aside, have a substantial pick of the panel. I understand that on Tuesday next it is the intention of Labouchere to move the adjournment of the house of com-

mons and originate a debate on the trial, sending for Dillon to come over and participate in such motion as allows of a general debate. It is contempt of court for the press to comment on the pending trial, but parliament is supreme. The noses counted show enough Parnellites and Gladstoneites to support the motion so as to bring on a debate about the trul, the object of which is to get the people to know the harsh surroundings of this state trial, as harsh, considering the era, as were those about the trial of Lord William Russell, in the time of James the Second. For instance, no record is kept of whom among the jurors are directed by the crown to stand aside, and the accused are not allowed to take a copy of the panel or to know the names, occupations and residences of the jurors who are summoned. The first the defence knows thereof is when the jurors are called. The prosecution, however, of course, have early and free access to these panels.

A Meeting Suppressed.

[Copyright 1887 by James Gordon Bennett.]

DUBLIN, Feb. 13.—| New York Herald Cable—Special to the BEE. |—A proclamation was posted in Loughrea yesterday morning suppressing the meeting in which Michael Davitt and William O'Brien had promised to participate to-day. The grounds of prohibiting are: "That the meeting is a menace to the sherlif of Galway in the execution of certain writs lodged with him, and it permitted to be held would be unlawful, as calculated seriously to interfere with the sheriff in the execution of his duty, and lead to violence and opposition being offered to the sheriff in executing the same." The coming week will be found very interesting in Irish

LATER-I have just seen a telegram from Loughrea stating that the proclaimed meeting has been held. It seems that this morning Michael Davitt, being a guest of Blshop Durgan, was being served with a copy of the proclamation by two policemen, when Davitt refused to take it. The people, according to advice, proceeded to the rooms of the National league. The gateway had been strongly barricaded by the police lest an attempt should be made to enter the yard, but the people filed through a private house. Over 200 policemen, under command of five sub-inspectors, paraded the streets and eardons of police were drawn across the roads leading to the town. Mr. Davitt addressed he meeting at great length. Mr. O'Brien was about eight miles out. The police then followed O'Brien, but after proceeding some distance found the road had been blocked, huge stones having been thrown down. Mr. O'Brien on reaching Loughrea addressed a fresh meeting of nationalists. Doubtless prosecutions will now begin against Davitt for his free speech. Everything, however, was peaceable.

TERRIBLE DESTITUTION.

The People of Newfoundland Suffer ing For the Necessaries of Life.

St. Johns, N. F., Feb. 13. - | Special Telegram to the BER. |-Many business houses here are in financial difficulty and a commercial crisis is inevitable. News from the northern part of the island represents things in a deplorable condition. The government has already sent 1,000 barrels of flour to keep the people from starving, but the supply is altogether inadequate. The most northerly parts are now frozen in and it is impossible to send supplies there in time to save the people. It was a most pitiful sight to witness the scenes at many places at which the coasting steamer Ourlew stopped on her last trip north. Scores of people who had noth ing but codfish and hardtack, and but very little of that, to subsist on for months dragged themselves across twenty to fifty miles of barren rocks and wild wastes to where the steamer called. They came in hopes of getting small supplies of flour, molasses and pork to keep body and soul together during the next three months. But the steamer had no supplies for them, and they started to return to their miserable hovels to suffer all the pangs of hunger and exhaustion, added to the rivors of a Newfoundland winter, and then to die, as they must inevitably before relief can reach them. Meanwhile, the government has spent such stanwhile, the government has spent such large sums in purchasing supplies and constructing the Placentia railway to furnish labor and save the people of that district from starving that the treasury is depleted. Added to this the fact that Newfoundland fish is a glut on every market, owing to inability to compete with that of their bounty-fed French rivals, and it is truly said that the island organization. rivals, and it is truly said that the island pre-sents to the world the most mournful spec-tacle, and its people are the most miserable of all English colonists, compared with whom the people of Ireland are prosperous.

ODD FELLOWS EXCITED.

The Texas Grand Treasurer Accused of Defalcations. Austin, Tex., Feb. 13,-(Special Telegram to the Bee. !-There is quite a sensation here to-day among the members of the grand lodge of Odd Fellows which has been in session during the week. It is alleged that Thomas M. Joseph, a prominent lawyer of Galveston, and for ten years treasurer of the grand lodge of Odd Fellows of Texas, is short in his accounts in a sum ranging all the way from \$12,000 to \$30,000. Suspicion was first induced nearly a year ago by a draft drawn on Joseph being returned unpaid. Subse. quently other drafts drawn on him, and which should have been promptly honored, were returned unpaid, and the grand master demanded an explanation, which was not sat-isfactorily given, and he laid the matter before istactorily given, and he laid the matter before the lodge at this session. Joseph was present to be reinstalled as treasurer for the ensuing year, he having been re-elected at the last annual meeting, but on the representations, it seems, made by the grand master, the lodge, before proceeding to install him, demanded a new and better bond, and that he produce the cash and United States bonds in the lodge treasery amounting to about \$39,000. He left Tuesday for the ostensible purpose of complying with the demands, but thus far ne left Tuesday for the ostensible purpose of complying with the demands, but thus far has tailed to return, and prominent officers of the grand lodge here express the opinion that he is short for a large sum if not for the entire \$30,000. They also have grave doubts about the solvency of his bond given a year ago.

A Saw's Fatal Work

Sr. Louis, Fep. 13.-A saw in a portable saw mill on the farm of L. D. Wright, a wealthy farmer living eight miles from California, Mo., ilew to pieces yesterday, one part of it cutting open Wright's breast, exposing his heart and killing him instantly, and another piece carrying away part of the head of Miss Thompson, a young lady who had gone to the mill to call the men to dinner. She died in two hours.

WAS IT MURDER OR SUICIDE?

David Todd, a Prominent Merchant of Der Moines, Found Dead in His Bed.

NUMBER 241

A VERY MYSTERIOUS AFFAIR,

The Coroner's Jury Engaged in Take ing Evidence in the Case-Great Excitement Prevailing in the City.

A Des Moines Mystery. DES MOINES, Ia., Feb. 13.- | Special Tele-

gram to the BEE.]- There is great excitement in town over the mysterious murder or sufcide early this morning of Mr. David T. Todd, a leading wholesale merchant of this city. He left home last night about 7 o'clock, telling his wife that he was going to the store to meet a gentleman with whom he had an appointment. As he did not return during the evening his wife became alarmed, as he was not accustomed to being out late. Midnight came, and no traces of the absent husband. At 1 o'clock Mrs. Todd could bear the suspense no longer, and calling her nephew, who slept in the house, he arose and tried to telephone to the store, but he could get no response. Going back to his room he roused his cousin, Mr. Todd's son, and together they started out to find the missing man. Going down Sixth street very slowly they half expected to find his body sandbagged along the road, but no trace of him appeared. They reached the store on Walnut street about 2 o'clock and found it dark and still. Hardly thinking he could be there they tried the door and found it locked, but with another key they opened it and went in. Lighting a gas jet they firs discovered Mr. Todd's overcoat in a chair, near the door of his office. Proceeding towards the rear of the store another match was lit and one of the boys discovered his hat lying on the floor mashed in at the top. Thoroughly frightened and fearing some awful tragedy the boys hastily went back, locking the door behind them, and proceeded to police headquarters for help. A policeman returned with them, and entering the store again after a hasty glance around the room he walked to the refrigerator room, in which oysters are kept cool, and opened the door. Stretched out on the floor, with his face downward and his hands raised over his head, lay Mr. Todd. A strip of white flannel cloth was bound tightly over the lower part of his face and tied behind his head. Removing this it disclosed a smaller cloth of coarse towelling, thoroughly saturated with chloroform and pressed over his mouth and nostrils. A few feet away from the refrigerator room were the contents of Mr. Todd's pockets lying on the floor. There were a few coins, a pocket knife, a lead pencil and a small piece of tobacco wrapped in a paper. On a rought counter near by lay his watch, with a portion of the chain hanging to it, and the larger portion lying detached by its side. The third part of the chain, including the fastening, was attached to the vest of the dead man in the usual place. The chain had been violently forn apart and with the scattered contents of his pockets looked as if a struggle had taken place. To add to the mystery one rubber or overshoe was found on the floor near the other articles and the other was on his foot. At first the theory of suicide was advanced, but afterwards it became very apparent that foul murder had been committed. All day the tragety has been the theme of discussion and excitement has run high. The coroner impanneled a jury at 2 o'clock this afternoon and the work of taking testimony is still going on at 9 p. m., with the mystery still enshrouged. Dr. Todd was in the wholetowards the rear of the store another match was lit and one of the boys discovered his is still going on at 9 p. m., with the mystery still enshroused. Dr. Todd was in the whole-sale fruit commission business and carried on an extensive jobbing trade. He was a man of bouyant, jovial disposition, of cheer-ful temperament and happy rela-tions. His business was prosper-ous and he had nothing to disturb his happiness, so that all motive for suicide is utterly wanting. The general opinion seems to be that he was murdered and carried into the refrigerator room and left there. No verdict in the inquest will be reached for a day or two probably, as the mystery seems at present impenetrable.

THE WEEK IN WALL STREET.

A Substantial Improvement Noted on

the Stock Exchange. NEW YORK, Feb. 13.—(Special Telegram to the Bee.)—There was a substantial improvement in the stock exchange during the week all classes of securities having shown more strength than for a long time past. The handsome response of London on Monday to the sharp rise here Saturday, following the signing of the inter-state commerce act by President Cleveland, gave a strong impetus to the upward movement, which was afterward accelerated by the continued peaceful view of the situation on European bourses, several attempts to settle the labor strikes on this side, negotiations between the Pacific Mail and Panama companies, the official prolongation of the Nickel Plate reorganization plan, the passa e of the Oregon Navigation line bill by both branches of the Oregon legislature, the efforts made to adjust the differences between the holders of scrip and the Kansas & Texas company and the favorable traffig returns reported by a large number of roads. Outside of the favorable influences here enumerated, a very potent factor conductve to a higher range of values was the return to the active support of the market of a number of old buil leaders who sold out their stocks before and during the December break in prices, and who thereafter took comparatively little interest in speculation. The formation of pools literally followed the advent of these leaders and St. Paul, Northwestern, Jersey Central, Lackawanna, Pacific Mail, Reading, and Erie were brought mominently to the front. Operations in those shares did much to encourage the bull feeling, which spread as the week wore along and tended to widen the area of speculation. The upward course of prices suffered very little check until near the close, when it became apparent that considerable realization had taken place and that it was part of the plan of current manipulation to let the market off so as to invite those to come in who had previously tarried through lack of faith in the genuine bull movement. The leaders who are working for an advance profess to be in for a long campaign, but of course events in the future will largely determine their action in that regard. Bears, both here and in London covered up heavily and of of old buil leaders who sold out their stocks

events in the future will largely determine their action in that regard. Bears, both here and in London, covered up heavily and offered but little resistence to the rising tendency until speculation began to halt, when they hammered the list and put out fresh short lines on the idea that prices bad advanced too rapidly and ought to react more. They are now generally looking to an export of gold to help them out, being encouraged by the firmness of exchange and the close proximity of ruling rates to shipping points. London alternately boutht and sold, but after dealings early in the week the influence of the foreign movement gradually decreased. The advance in prices before any material reaction ensued ranged from 1 to 5½ points and pretty much everything participated The advance in prices before any material reaction ensued ranged from 1 to 5½ points and pretty much everything participated in the improvement. The movements in railroad bonds were more important than during the previous week, but the interest centered very largely in the issues of roads which are already in progress of teorganization or bid fair to be at an early date. Governments were strong and a fraction higher, Foreign exchange ruled firm, and rates throughout the week were well maintained. Commercial bills were in light supply, and the demand for importers was sufficient to absorb these. One lot of \$300,000 gold went forward, but it was a special transaction, and being so understood, had no perceptible effect on values. The monetary situation was easy.

was easy. Nebraska and Iowa Weather. For Nebraska and Iowa: Local rains or snow, lower temperature.